IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5568 of 1990

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

C A GOSWAMI

Versus

M S DABHU OR HIS SUCCESSOR

Appearance:

1. Special Civil Application No. 5568 of 1990

MR PK JANI for Petitioner No. 1

MR SUNIL K SHAH for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 02/09/2004

ORAL JUDGEMENT

1.1 The petitioner by way of this petition has challenged the suspension order dated 27th July, 1990 whereby during preliminary enquiry, the District

Panchayat has found certain serious irregularities alleged to have been committed by the petitioner and during the proceedings of Departmental Inquiry, the petitioner was put under suspension.

2.1 Mr.Jani, learned Counsel for the petitioner submitted that the respondents have wrongly referred to Rule 156 of the Bombay Civil Services Rules, inasmuch as the petitioner was never involved in any criminal proceedings.

3.1 It is not in dispute that the respondent has powers to suspend the petitioner pending Departmental Inquiry. It may be noted that merely on account of wrong reference the orde of suspension will not be vitiated.

4.1 Looking to the allegations against the petitioner and grave financial irregularities for which the petitioner has been charged, I am satisfied that the authorities were justified in suspending the petitioner.

5.1 Since the matter is of 1990, the Departmental Inquiry might have been over by now. However, if it is not over, the respondent authorities shall complete the same within three months from the date of receipt of this order, failing which, it will be open for the petitioner to apply.

6.1 With the above observation and directions, the petition is dismissed. Rule is discharged.

(K.S.Jhaveri,J.)

stanley-ksj.